IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7451 OF 2003
WITH
CIVIL APPLICATION NO. 467 OF 2004

Shri. Liladhar Nandkishore Hedau ... Petitioner

Versus

The State of Maharashtra ... Respondents

Mr. V.Z. Kankaria for Petitioner.

Mr. C.R. Sonawane, A.G.P. for R. Nos. 1 and 2.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 20, 2006

P.C.

. For the cause shown, Civil Application is made absolute in terms of Prayer Clause (a) of the Application. Petition stands restored. Heard forthwith.

. The Petitioner was employed with the Bank of India based on the caste certificate produced by him that he belongs to Halba S.T. On the matter being referred to the caste scrutiny committee, it was found that the school records of the Petitioner’s grand-father and father were

suppressed by the Petitioner. In the vigilance enquiry, the school records of the Petitioners' grand-father and father were examined where they were studying namely Buniyadi Primary School, Mohadi, and it was found that the caste was recorded as Koshti. These documents were made available to the Petitioner. His only explanation was that the caste was so recorded as their occupation was weaving. This was rejected by the Committee.

. The document available to the committee amongst others was document which was prior to the Presidential Notification. Once the caste of the grand-father of the Petitioner was shown as Koshti, the Petitioner could not have claimed as belonging to Halba S.T. The order of the Committee does not therefore, suffer from any error apparent on the face of the record.

. On behalf of the Petitioner, the learned counsel states that Petitioner's services should not be terminated. The Apex Court has repeatedly said that those who get an employment based on a

fraudulent caste certificate, should not be entitled to any protection. This view has been reiterated in Bank of India and anr. Vs. Avinash D. Mandivikar and Ors. (2005) 7 S.C.C. 690. A Division Bench of this Court in the case of Gopal Ganpat Nipane Versus Hindustan Aeronatics Ltd. in Writ Petition No. 4514 of 2005 decided on 20th Febraury, 2006 has considered all these judgments and has a taken a view that a person who seeks an employment based on the caste certificate which was fraudulently procured, is not entitled to any protection. Considering the above, no interference is called for. Petition rejected.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)